

Hoisting Machine Operator's Advisory Board Minutes
Thursday, November 16, 2004
1:30 p.m.
Department of Labor & Industrial Relations Office
HIOSH Training Room
830 Punchbowl Street #425
Honolulu, Hawaii 96814

Members in Attendance: Allan Parker, Roy Akamine, Tom Vendetta, and Mel Miyamoto.

Guests: Staff Lora Contreras and Doreen Miyaki.

Excused: Kerwin Chong

Call to order: Quorum was met. The meeting was called to order by Chair Parker at 1:30 p.m.

Minutes of September 30, 2004

Roy Akamine moved, seconded by Mel Miyamoto to approve the minutes as circulated. Motion approved unanimously.

Community Concerns: None

Director's Report: Lora Contreras reported that written documentation for eliminating the 1000 hours required for testing had not been received to date from Philip Kinser of NCCCO. An update on certification would be given at the HIOSH Advisory Meeting scheduled for Thursday, November 18.

New Business: None

Unfinished Business: A: Amending HMOAB Administrative Rules

The board reviewed the penalties under the Department of Labor rules to compare justification on amending the certification rules for the crane operator. The current law penalizes the employer and not the employee. The board's consensus was to be consistent with the rulings under the Department of Labor for repeated and willful violators. The final amendment will be submitted to Mr. Befitel for his approval to the Office of Attorney General. Section (d) will be submitted in question whether it is necessary to amend.

“ 12-48- Penalties. (a) Any crane operator who violates chapter 12-48 with respect to certification, shall be assessed a minimum penalty of \$200.;

(b) Any crane operator who repeatedly or willfully violates this chapter may be assessed a penalty of up to \$5,000.;

(c) Any employer found in violation by employing a non-certified operator shall be cited with a penalty of not less than \$1,000. Willful or repeated violations may subject the employer to a penalty of not less than \$7,000. “

(d) The director shall have authority to assess all penalties provided in this chapter, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of the previous violations.

B: Preferred Aerial and Crane Technology and Brodek Crane (PACT)

Chair Parker asked that a letter be sent to PACT requesting documentation of its accreditation by a nationally recognized organization on its standards of testing from either NCCCO, PES, EA, LLC or AS Inc. Mr. Brent from NCCCO will also be notified as it was indicated in PACT's letter that NCCCO had approved their agency as trainers.

Executive Session: None

Correspondence: None

Announcements: Next board meeting Tuesday, December 21, 1:00 pm.

Adjournment: Chair Parker adjourned the meeting at 2:45 p.m.